

DETAILED ACTION

Pursuant to communications filed on 10 August 2011, this is a Non-Final Rejection on the Merits. Receipt is acknowledged of the Information Disclosure Statement(s) received on 10 August 2011, and has been placed in the application file. Claims 20-63 are currently pending in the instant application.

Response to Arguments

1. Applicant's arguments with respect to claims 20-63 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 3664

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 20-63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nietupski et al (US 2002/0140545 A1, hereinafter "Nietupski") in view of Murphy (US 6,232,874 B1).

Regarding claim 20, Nietupski discloses an apparatus at a vehicle location for validating a vehicle operator to operate selected functions of a vehicle, comprising: an input device (Figure 1, telematics unit 13) for entry of vehicle operator identification information (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); a transceiver (Figure 1, wireless communication device 14) for transmitting said vehicle operator identification information to a remote location for validation and receiving from said remote location a reply message; a processor (Figure 2, host processor 26) for controlling one or more functions of the vehicle that the vehicle operator is validated to operate (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0017 and 0021-0026); and means for enabling (Figure 3, block 50) said one or more functions and the at least one action specified by said reply message (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Nietupski is silent regarding wherein said reply message includes the one or more functions of the vehicle the vehicle operator is validated to operate **and also** the at least one action to be taken to indicate the validation to said operator. Examiner notes wherein due to the broad claim terminology, it is reasonably construed wherein the above claim does not preclude the possibility of the function being either a positive or a negative validation, and based

Art Unit: 3664

on said positive or negative validation, providing the action of an alarm, flashing lights, vehicle impairment, etc..

Murphy discloses a system for restricting use of a vehicle control functions to a user based on the user's identification information. Murphy also discloses wherein the system includes an apparatus with a telecommunication module for exchanging information with a remote facility (i.e. validation of user, authorization of vehicle functions, etc.). Murphy goes on to disclose wherein upon negative validation (improper identification), the system takes at least one of a plurality of control actions. Murphy further discloses wherein said plurality of control actions may be performed, including at least disabling the vehicle ignition system, disabling the vehicle fuel system, impairing the vehicle transmission by further limiting the number of gears that may be used and enabling a permitted distance and/or time range for a user to drive said vehicle (abstract; Figures 1, 2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Murphy further discloses wherein the system further includes a visual and/or audible display module, which presents information to a user, specifically restrictions pertaining to said user based on the submitted user identification information (abstract; Figures 1, 2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Therefore, in view of Murphy's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nietupski to include Murphy's teachings of performing an action based on a positive or negative validation of a vehicle operator, since Murphy discloses wherein the limiting of vehicle

Art Unit: 3664

functions to a user based on their identification provides for more efficient use of a vehicle, especially pertaining to fleet management, wherein vehicles are only permitted for use during a specified time and/or location. Examiner contends wherein based on the functionality provided in the teachings of Murphy, in the event of a stolen vehicle, a remote operator/facility has the capabilities to disable a desired vehicle function.

Regarding claim 32, Nietupski discloses an apparatus at a vehicle location for validating a vehicle operator to operate functions of a vehicle, comprising: an input device (Figure 1, telematics unit 13) for entry of vehicle operator identification information (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); a transceiver (Figure 1, wireless communication device 14) for transmitting a message to a remote location at which one or more vehicle functions are selected based upon said operator identification information, and receiving, from said remote location, a reply message; a processor (Figure 2, host processor 26) for controlling one or more functions of the vehicle that the vehicle operator is validated to operate (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0017 and 0021-0026); and means for enabling (Figure 3, block 50) said one or more functions and the at least one action specified by said reply message (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Nietupski is silent regarding wherein said reply message includes the one or more functions of the vehicle the vehicle operator is validated to operate **and also** the at least one action to be taken to indicate the validation to said operator. Examiner notes wherein due to the broad claim terminology, it is reasonably construed wherein the above claim does not preclude the possibility of

Art Unit: 3664

the function being either a positive or a negative validation, and based on said positive or negative validation, providing the action of an alarm, flashing lights, vehicle impairment, etc..

Murphy discloses a system for restricting use of a vehicle control functions to a user based on the user's identification information. Murphy also discloses wherein the system includes an apparatus with a telecommunication module for exchanging information with a remote facility (i.e. validation of user, authorization of vehicle functions, etc.). Murphy goes on to disclose wherein upon negative validation (improper identification), the system takes at least one of a plurality of control actions. Murphy further discloses wherein said plurality of control actions may be performed, including at least disabling the vehicle ignition system, disabling the vehicle fuel system, impairing the vehicle transmission by further limiting the number of gears that may be used and enabling a permitted distance and/or time range for a user to drive said vehicle (abstract; Figures 1,2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Murphy further discloses wherein the system further includes a visual and/or audible display module, which presents information to a user, specifically restrictions pertaining to said user based on the submitted user identification information (abstract; Figures 1, 2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Therefore, in view of Murphy's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nietupski to include Murphy's teachings of performing an action based on a positive or negative

Art Unit: 3664

validation of a vehicle operator, since Murphy discloses wherein the limiting of vehicle functions to a user based on their identification provides for more efficient use of a vehicle, especially pertaining to fleet management, wherein vehicles are only permitted for use during a specified time and/or location. Examiner contends wherein based on the functionality provided in the teachings of Murphy, in the event of a stolen vehicle, a remote operator/facility has the capabilities to disable a desired vehicle function.

Regarding claim 44, a method for validating a vehicle operator to operate selected functions of a vehicle, comprising: receiving vehicle operator identification information into a device located at said vehicle (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); transmitting said vehicle operator identification information to a remote location for validation (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); receiving, from said remote location, a reply message; determining one or more functions of the vehicle that the operator is validated to operate (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); and enabling said selected functions and the at least one action specified by said reply message (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Nietupski is silent regarding wherein said reply message includes the one or more functions of the vehicle the vehicle operator is validated to operate **and also** the at least one action to be taken to indicate the validation to said operator. Examiner notes wherein due to the broad claim terminology, it is reasonably construed wherein the above claim does not preclude the possibility of the function being either a positive or a negative validation, and based on said positive

Art Unit: 3664

or negative validation, providing the action of an alarm, flashing lights, vehicle impairment, etc..

Murphy discloses a system for restricting use of a vehicle control functions to a user based on the user's identification information. Murphy also discloses wherein the system includes an apparatus with a telecommunication module for exchanging information with a remote facility (i.e. validation of user, authorization of vehicle functions, etc.). Murphy goes on to disclose wherein upon negative validation (improper identification), the system takes at least one of a plurality of control actions. Murphy further discloses wherein said plurality of control actions may be performed, including at least disabling the vehicle ignition system, disabling the vehicle fuel system, impairing the vehicle transmission by further limiting the number of gears that may be used and enabling a permitted distance and/or time range for a user to drive said vehicle (abstract; Figures 1,2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Murphy further discloses wherein the system further includes a visual and/or audible display module, which presents information to a user, specifically restrictions pertaining to said user based on the submitted user identification information (abstract; Figures 1, 2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Therefore, in view of Murphy's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nietupski to include Murphy's teachings of performing an action based on a positive or negative validation of a vehicle operator, since Murphy discloses wherein the limiting of vehicle

Art Unit: 3664

functions to a user based on their identification provides for more efficient use of a vehicle, especially pertaining to fleet management, wherein vehicles are only permitted for use during a specified time and/or location. Examiner contends wherein based on the functionality provided in the teachings of Murphy, in the event of a stolen vehicle, a remote operator/facility has the capabilities to disable a desired vehicle function.

Regarding claims 21-24, 33-36 and 45-48, in view of claims 20, 32 and 44 above, regarding the apparatus and corresponding method of Nietupski as modified by Murphy, Nietupski discloses wherein the at least one action may comprise a plurality of remote services including vehicle horn actuation and vehicle interior and exterior lighting actuation (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Examiner construes wherein actuation of said interior and/or exterior lights of a vehicle includes at least a vehicle's headlights, tail light(s), and/or interior light(s).

Regarding claims 56-61, Nietupski discloses wherein the system sends a reply message to the vehicle operator, indicating whether or not a user has provided valid user identification (Figure 3; at least paragraph 0025). Nietupski is silent regarding specifically (re claims 56, 58 and 60) wherein the reply message further specifies at least one message for the vehicle operator; and (re claims 57, 59 and 61) wherein the at least one message comprises at least one of a route of travel for the vehicle, an itinerary for the vehicle, and a personal message for the vehicle operator.

Murphy discloses wherein the system further includes a visual and/or audible display module, which presents information to a user, specifically restrictions pertaining to said user based on the submitted user identification information (abstract; Figures 1,

Art Unit: 3664

2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Examiner notes wherein the information provided to the driver is personal information pertaining to that driver. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include with the teachings of Nietupski, (re claims 56, 58 and 60) wherein the reply message further specifies at least one message for the vehicle operator; and (re claims 57, 59 and 61) wherein the at least one message comprises at least one of a route of travel for the vehicle, an itinerary for the vehicle, and a personal message for the vehicle operator, since Murphy discloses wherein messages are provided to a user of a vehicle based on their identification, to more efficiently aid said user of the vehicle use restrictions.

Regarding claim 62, an apparatus for validating, at a remote location, a vehicle operator to operate selected functions of a vehicle, comprising: a transceiver configured to receive vehicle operator identification information of the vehicle operator and configured to transmit a reply message to the vehicle (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); and a processor configured to validate the vehicle operator based on the identification information, configured to generate the reply message specifying which of said selected functions the operator is validated to operate, and configured to generate a notification of the validation and to transmit the notification to a third party (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Examiner contends wherein in the instance when a vehicle operator accesses the human interface to request services from a telematics service center, such as road side assistance (paragraph 0014), then based on the validation

Art Unit: 3664

algorithm in Figure 3 of Nietupski, once the user is validated, the telematics service center would send notification to the appropriate road side assistance entity for said road side assistance. Examiner further contends wherein said notification sent to said road side assistance entity would implicitly be notification of a validated vehicle operator requesting said road side assistance. Examiner also notes wherein Nietupski fails to disclose the specific structure that is included in the remote telematics service center, however based on the disclosure, it is evident that the telematics service center is in communication with said vehicle telematics unit, and as clearly indicated by Figure 3, includes transmitting and receiving capabilities. Further, a processing based device would be obvious, if not inherent, to process the received information, and used to send messages/signals between the telematics service center and the vehicle telematics unit. Therefore, it would have been obvious, if not inherent, to include a transceiver and a processor at the remote telematics facility for use in said system, providing more efficient communication of information between the telematics service center and the vehicle telematics unit. Nietupski is silent regarding wherein the processor is configured to determine the one or more functions of the vehicle the vehicle operator is validated to operate **and also** configured to generate a notification of the at least one action to be taken to indicate the validation of the vehicle operator to a third party. Examiner notes wherein due to the broad claim terminology, it is reasonably construed wherein the above claim does not preclude the possibility of the function being either a positive or a negative validation, and based on said positive or negative validation, providing the action of an alarm, flashing lights, vehicle impairment, alert to the respective authorities,

etc.. Examiner notes wherein Nietupski performs the algorithm/flow chart shown in Figure 3, to perform a variety of services, such as assistance for emergencies, navigational information and concierge type functions.

Murphy discloses a system for restricting use of a vehicle control functions to a user based on the user's identification information. Murphy also discloses wherein the system includes an apparatus with a telecommunication module for exchanging information with a remote facility (i.e. validation of user, authorization of vehicle functions, etc.). Murphy goes on to disclose wherein upon negative validation (improper identification), the system takes at least one of a plurality of control actions. Murphy further discloses wherein said plurality of control actions may be performed, including at least disabling the vehicle ignition system, disabling the vehicle fuel system, impairing the vehicle transmission by further limiting the number of gears that may be used and enabling a permitted distance and/or time range for a user to drive said vehicle (abstract; Figures 1,2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Murphy further discloses wherein the system further includes a visual and/or audible display module, which presents information to a user, specifically restrictions pertaining to said user based on the submitted user identification information (abstract; Figures 1, 2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Therefore, in view of Murphy's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nietupski to include Murphy's teachings of performing an action based on a positive or negative

Art Unit: 3664

validation of a vehicle operator, since Murphy discloses wherein the limiting of vehicle functions to a user based on their identification provides for more efficient use of a vehicle, especially pertaining to fleet management, wherein vehicles are only permitted for use during a specified time and/or location. Examiner contends wherein based on the functionality provided in the teachings of Murphy, in the event of a stolen vehicle, a remote operator/facility has the capabilities to disable a desired vehicle function.

Regarding claim 63, a method for validating, at a remote location, a vehicle operator to operate selected functions of a vehicle, comprising: receiving identification information of the vehicle operator (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); validating the vehicle operator based on the identification information (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); generating a reply message that specifies the one or more selected functions the operator is validated to operate (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); transmitting the reply message to the vehicle (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026); and generating a notification of the validation for a third party (abstract; Figures 1 & 3; at least paragraphs 0006, 0010-0016 and 0021-0026). Nietupski is silent regarding wherein said determines, based on said reply message, which of the one or more functions of the vehicle the vehicle operator is validated to operate **and also** generating notification of the validation for a third party. Examiner notes wherein Nietupski performs the algorithm/flow chart shown in Figure 3, to perform a variety of services, such as assistance for emergencies, navigational information and concierge type functions.

Art Unit: 3664

Examiner contends wherein in the instance when a vehicle operator accesses the human interface to request services from a telematics service center, such as road side assistance (paragraph 0014), then based on the validation algorithm in Figure 3 of Nietupski, once the user is validated, the telematics service center would send notification to the appropriate road side assistance entity for said road side assistance. Examiner further contends wherein said notification sent to said road side assistance entity would implicitly be notification of a validated vehicle operator requesting said road side assistance. Examiner also notes wherein Nietupski fails to disclose the specific structure that is included in the remote telematics service center, however based on the disclosure, it is evident that the telematics service center is in communication with said vehicle telematics unit, and as clearly indicated by Figure 3, includes transmitting and receiving capabilities. Further, a processing based device would be obvious, if not inherent, to process the received information, and used to send messages/signals between the telematics service center and the vehicle telematics unit. Therefore, it would have been obvious, if not inherent, to include a transceiver and a processor at the remote telematics facility for use in said system, providing more efficient communication of information between the telematics service center and the vehicle telematics unit. Examiner notes wherein due to the broad claim terminology, it is reasonably construed wherein the above claim does not preclude the possibility of the function being either a positive or a negative validation, and based on said positive or negative validation, providing the action of an alarm, flashing lights, vehicle impairment, notification of a third party, etc..

Murphy discloses a system for restricting use of a vehicle control functions to a user based on the user's identification information. Murphy also discloses wherein the system includes an apparatus with a telecommunication module for exchanging information with a remote facility (i.e. validation of user, authorization of vehicle functions, etc.). Murphy goes on to disclose wherein upon negative validation (improper identification), the system takes at least one of a plurality of control actions. Murphy further discloses wherein said plurality of control actions may be performed, including at least disabling the vehicle ignition system, disabling the vehicle fuel system, impairing the vehicle transmission by further limiting the number of gears that may be used and enabling a permitted distance and/or time range for a user to drive said vehicle (abstract; Figures 1,2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Murphy further discloses wherein the system further includes a visual and/or audible display module, which presents information to a user, specifically restrictions pertaining to said user based on the submitted user identification information (abstract; Figures 1, 2 & 6; at least column 5, lines 33-65, column 7, lines 20-33 and lines 53-67 and column 13, line 29-column 14, line 47). Therefore, in view of Murphy's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Nietupski to include Murphy's teachings of performing an action based on a positive or negative validation of a vehicle operator, since Murphy discloses wherein the limiting of vehicle functions to a user based on their identification provides for more efficient use of a vehicle, especially pertaining to fleet management, wherein vehicles are only permitted

Art Unit: 3664

for use during a specified time and/or location. Examiner contends wherein based on the functionality provided in the teachings of Murphy, in the event of a stolen vehicle, a remote operator/facility has the capabilities to disable a desired vehicle function.

Allowable Subject Matter

5. **Claims 25-31, 37-43 and 49-55** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Examiner notes wherein the independent claims would be in better condition for allowance if claim language specifying the possible functions and actions, as indicated in the above noted dependent claims, were provided in the corresponding independent claims (i.e. wherein the one or more functions are selected from the group consisting of... wherein the at least one action to be taken is selected from the group consisting of...).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 - Notice of References Cited form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN L. SAMPLE whose telephone number is (571)270-5925. The examiner can normally be reached on Monday-Thursday, 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. L. S./
Examiner, Art Unit 3664

/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664